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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/719)]

46/89. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolutions 44/34 of 4 December 1989 on the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and 45/132 of 14 December 1990 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Urging strict respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 1/

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

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1/ Resolution 2625 (XXV), annex.

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Convinced that the use of mercenaries is a threat to international peace and security,

Deeply concerned about the menace that the activities of mercenaries represent for all States, particularly African and other developing States,

Profoundly alarmed at the continued international criminal activities of mercenaries in collusion with drug traffickers,

Recognizing that the activities of mercenaries are contrary to the fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions of the Security Council and the Economic and Social Council, as well as of the Organization of African Unity,

Deeply concerned about the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

Recalling with satisfaction the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 2/ and welcoming the fulfilment of the provisions of paragraph 2 of Commission on Human Rights resolution 1991/29 of 5 March 1991, 3/ as reflected in the report of the Special Rapporteur of the Commission, 4/

1. Takes note with appreciation of the report of the Special Rapporteur of the Commission on Human Rights;

2. Condemns the continued recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries, for the purpose of destabilizing and overthrowing the Governments of African States and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

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2/ Resolution 44/34, annex.

3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

4/ A/46/459, annex.

3. Reaffirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

4. Notes with serious concern the use by the racist South African regime of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States;

5. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

6. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation;

7. Calls upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

8. Reaffirms that to use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. Calls upon all States which have not yet done so to consider taking early action to accede to or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

10. Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report. 4/

74th plenary meeting
16 December 1991